

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 16th day of May 2003, the following order was made and entered:

State of West Virginia ex rel.
West Virginia Citizens Action Group,
an Unincorporated Association of State
Citizens and Taxpayers, Petitioner Below,
Appellant

vs.) No. 31125

West Virginia Economic Development
Grant Committee, A Municipal Corporation, and
Century Equities - Wheeling Victorian Outlet Mall Inc.,
A Private Corporation, Respondents Below,
Appellees

Kanawha County Commission, Intervenor

The Court, having maturely considered the record and the oral argument and briefs of counsel thereon, is of the opinion for reasons stated in writing and filed with the record that there is error in the ruling of the Circuit Court of Kanawha County rendered on the 21st day of January, 2003, but not such as to require complete reversal. It is therefore considered and ordered by the Court that said ruling be, and it hereby is, affirmed with regard to the lower court's upholding of the statutory provisions that govern the bond issuance and repayment mechanisms, and reversed with regard to the lower court's findings regarding the constitutionality of the appointment process and delegation of legislative power; all of which is ordered to be certified to the Circuit Court of Kanawha County.

The syllabus of points adjudicated, prefixed to the written opinion aforesaid, prepared by Justice Albright, was concurred in by Chief Justice Starcher and Justice Davis, and by Justice McGraw, in part. Chief Justice Starcher reserves the right to file a concurring opinion. Justice Maynard dissents and reserves the right to file a dissenting opinion. Justice McGraw concurs in part and dissents in part and reserves the right to file a separate opinion.

A True Copy

Attest: _____


Clerk, Supreme Court of Appeals